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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/101,341	07/08/98	MALMGREN	K 000500-128

021839 HM22/0703  
BURNS DOANE SWECKER & MATHIS  
P O BOX 1404  
ALEXANDRIA VA 22313-1404

EXAMINER

WHITE, E

ART UNIT	PAPER NUMBER
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1623

*15*

DATE MAILED:

07/03/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Advisory Action

Application No.  
**09/101,341**

Applicant(s)  
**MALMGREN et al.**

Examiner  
**Everett White**

Group Art Unit  
**1623**



## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires six months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Mar 14, 2000 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jun 13, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

### ☐ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
  - ☐ they raise the issue of new matter. (See note below).
  - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s):

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
of the reasons set forth in the attachment.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: NONE

Claims objected to: NONE

Claims rejected: 1-19

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

## BEST AVAILABLE COPY

1. Applicant's arguments filed June 13, 2000 have been fully considered but they are not persuasive. Applicants argue against the rejection on grounds that the aqueous medium disclosed by Burrow EP '121 patent is not suggestive of the claimed bath which contains a water-miscible organic solvent. The instant claims disclose dissolving the polysaccharide in a solvent (water) and then spraying the solution into a bath containing a water organic solvent wherein the Burrow patent discloses dissolving the polysaccharide in an organic solvent and then adding the solution into an aqueous medium. This argument is not persuasive since no patentable difference is noted as to whether the polysaccharide is dissolved first in water and then combined with an organic solvent or dissolved first in an organic solvent and then combined with water.

Applicants further argue that one of ordinary skill in the art would not find motivation to combine the Burrow patent with the Holst et al patent. This argument is not persuasive since the Holst et al patent is only cited to show that polyvinylamine is a well known crosslinking agent for polysaccharides.

Applicants also argue that the Burrow EP patent does not disclose the organic solvents that are disclosed in instant Claim 3, alcohol and ketone. This argument is not persuasive because the Burrow EP patent discloses the use of acetone to dissolve polysaccharides (see column 3, line 17).

Applicants argue that the Burrow EP patent does not disclose ionically cross-linking the polysaccharide as set forth in instant Claim 17. This argument is not persuasive since the Holst et al patent is cited to show that polyvinylamine is a well known crosslinking agent for polysaccharides which meet the limitation disclosed in Claim 17.

Applicants further argue that the Burrow EP patent does not disclose dissolving the polysaccharide in water. However, it is noted that some of the polysaccharides specified in the specification also do not readily dissolve in water such as cellulose, chitin and chitosan.

For the above cited reasons, the claims are not patentable over the prior art. The rejection of the instant claims under 35 U.S.C. 103 as being unpatentable over the Burrow and Holst et al patents is maintained.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. White whose telephone number is (703) 308-4621. The examiner can normally be reached on Monday-Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Geist, can be reached on (703) 308-1701. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

*E. White*

White

June 29, 2000

  
GARY GEIST  
SUPERVISORY PATENT EXAMINER  
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